

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

COASTAL COMMERCE BANK

CIVIL ACTION NO. 16-1274

VERSUS

JUDGE FOOTE

SM ENERGY, LLC ET AL.

MAGISTRATE JUDGE WHITEHURST

PARTIAL DEFAULT JUDGMENT

The Court **ADOPTS IN PART** the Report and Recommendation of the Magistrate Judge previously filed herein [Record Document 70] to the extent that it finds *in personam* defendant John A. Lancon (“Lancon”) indebted to Plaintiff, Coastal Commerce Bank (“Coastal”), for the principal indebtedness.¹ The Court **REJECTS IN PART** the Report and Recommendation as regards the award of interest and fees. Coastal’s filings indicate a category of “interest and fees” owed [Record Document 46-1 at 3], but do not identify whether this category includes attorneys’ fees, court costs, or costs allowed under the terms of the promissory notes.

Therefore, noting the absence of objections to the Report and Recommendation in the record, **IT IS ORDERED** that the Motion For Default Judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) filed by Plaintiff [Record Document 46], is **GRANTED IN PART** against Lancon for the amount of \$5,175,431.24 representing the principal indebtedness, less credit for the credit bids made by Coastal in the amount of \$1,125,000.00, for a total judgment in the amount of \$4,050,431.24.

¹ The Court notes that the Clerk of Court filed a “Notice of Entry of Default” into the record against John A. Lancon on November 30, 2016, not January 27, 2017 as indicated in the Report and Recommendation. This typographical error has no effect on the Magistrate Judge’s findings.

IT IS FURTHERED ORDERED that Plaintiff particularize the amounts that it claims to be owed in the following categories: (1) contractual interest; (2) costs authorized according to the terms of the promissory notes; (3) court costs; and (4) reasonable attorneys' fees. Plaintiff shall file an itemized statement of these amounts with the Court by **November 6, 2017**.

IT IS FURTHER ORDERED that this matter is **REMANDED** to Magistrate Judge Whitehurst to calculate the contractual interest, costs authorized according to the terms of the promissory notes, court costs, and reasonable attorneys' fees.

THUS DONE AND SIGNED in Shreveport, Louisiana, on this 5th day of October, 2017.



ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT COURT JUDGE